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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOHN JAMES JOSE,  
  
Defendants.

CASE NO. 1:24-CR-000046-NODJ-BAM

JOINT STATUS REPORT AND STIPULATION  
REGARDING EXCLUDABLE TIME PERIODS  
UNDER SPEEDY TRIAL ACT; AND ORDER

DATE: January 22, 2025  
TIME: 1:00 p.m.  
COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

1. This case set for status conference on January 22, 2025. As set forth below, the parties now move, by stipulation, to continue the status conference one final time to February 26, 2025, and to exclude the time period between January 22, 2025 and February 26, 2025 under the Speedy Trial Act. The parties have reached a resolution to the case and expect to file the plea agreement soon. The parties anticipate that the plea agreement will result in a guilty plea to a misdemeanor, to be handled by a United States Magistrate Judge, likely the Hon. Helena M. Barch-Kuchta because this case arises out of conduct at Yosemite National Park. *See* ECF # 41 (motion to dismiss felony count and reassign case).

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

2. By previous order, this matter was set for status conference on January 22, 2025. By this

1 stipulation, defendant now moves to continue the status conference one last time until February 26,  
2 2025, and to exclude time between January 22, 2025, and February 26, 2025, under Local Code T4.

3         3. The parties have reached a resolution to the case and expect to file the plea agreement  
4 soon. The parties anticipate that the plea agreement will result in a guilty plea to a misdemeanor, to be  
5 handled by a United States Magistrate Judge, likely the Hon. Helena M. Barch-Kuchta because this case  
6 arises out of conduct at Yosemite National Park. Today, the United States filed a motion to dismiss the  
7 felony count (Count 1) and transfer the case to a U.S. Magistrate Judge for further proceedings because  
8 the remaing charge is a Class B misdemeanor. *See* ECF # 41 (motion to dismiss felony count and  
9 reassign case). If granted, that motion and order likely would result in the February 26, 2025 status  
10 conference being vacated.

11         4. The parties agree and stipulate, and request that the Court find the following:

12             a) The government has represented that the discovery associated with this case  
13 includes numerous investigative reports, witness interviews, and audio/video evidence. All of  
14 this discovery has been either produced directly to counsel and/or made available for inspection  
15 and copying. Supplemental discovery was recently provided consisting of cell phone forensic  
16 evidence.

17             b) Counsel for defendant desires additional time to consult with his/her client,  
18 review the charges, conduct investigation and research, review discovery and discuss potential  
19 resolution of the case.

20             c) Counsel for defendant believes that failure to grant the above-requested  
21 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
22 into account the exercise of due diligence.

23             d) The government does not object to the continuance.

24             e) Based on the above-stated findings, the ends of justice served by continuing the  
25 case as requested outweigh the interest of the public and the defendant in a trial within the  
26 original date prescribed by the Speedy Trial Act.

27             f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
28 et seq., within which trial must commence, the time period of January 22, 2025 to February 26,

2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 15, 2025

MICHELE BECKWITH  
Acting United States Attorney

/s/ JEFFREY A. SPIVAK  
JEFFREY A. SPIVAK  
Assistant United States Attorney

Dated: January 15, 2025

/s/ Cristobal Perez  
Cristobal Perez  
Counsel for Defendant  
John James JOSE

**ORDER**

IT IS SO ORDERED that the status conference is continued from January 22, 2025 to **February 26, 2025, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **January 15, 2025**

*/s/ Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE